

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION)	
OF DELMARVA POWER & LIGHT COMPANY,)	
EXELON CORORPATION, PEPCO HOLDINGS)	PSC DOCKET NO. 14-193
INC., PURPLE ACQUISITION CORPORATION,)	
EXELON ENERGY DELIVERY COMPANY, LLC)	
AND SPECIAL PURPOSE ENTITY, LLC)	
FOR APPROVALS UNDER THE PROVISIONS)	
OF 26 <i>Del. C.</i> §§ 215 AND 1016)	
(FILED JUNE 18, 2014))	

**INTERVENOR JEREMY FIRESTONE'S REPLY TO MOTION FOR
RECONSIDERATION OF FIRST MOTION TO COMPEL DISCOVERY**

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Pro Se

Intervenor Jeremy Firestone Reply's to the Joint Applicant's Response in Opposition to
Motion for Reconsideration.

Background

1. The Joint Applicants' in their response content that my Motion should be denied as untimely (paragraphs 4-6) and in any event they reserved the right to make objections.
2. The argument on untimeliness is disingenuous in the Joint Applicants did not have actual notice of the earlier order either. In an email dated September 9, 2014 from Co-Counsel Todd Goodman, he states "We were unaware of the order until yesterday when it was discussed during the conference call, Jeremy." See Exhibit 1. With the new Delafile system, the problems encountered in both filing documents and

receiving notice of filed documents (as I earlier indicated, the system was not providing me notice of filed documents until 2 days after the order issuance), and the fact that neither I nor the Joint Applicants had actual notice of the order, it would be a gross injustice not to consider the Motion to Compel.

3. As for the substantive argument, in paragraph 9 of their opposition response, the Joint Applicant's quote their own email where they state: "while they [the Joint Applicants] will still raise certain objections, they will provide responses." I take no issue with the Joint Applicants raising some objections (e.g., form) provided properly supported, but they were still required to answer and could not choose to all together refuse to answer a discovery request, either by simply ignoring it or because they subsequently considered it unduly burdensome.
4. As the Senior Hearing Examiner noted, each subpart is a separate discovery request (that is included in the instruction to the discovery request as well). The problem for the Joint Applicants is that they wholly failed to answer some discovery subparts, see e.g., Request for Production, 8a, 8b, 8c, 8d, 8e, 8f, 8g, and 8h.
5. Further, the Joint Applicants failed to completely answer discovery requests to which they and I had negotiated language and reached agreement on (Interrogatory 28 and Request for Production of Documents, Request No. 2. To suggest that we left open the possibility that the Joint Applicants could completely disavow their agreement and not answer those discovery requests is a bridge too far. If the parties cannot rely on each other to follow through on negotiated agreements, than the entire discovery process is apt to breakdown. It is thus important that this body ensure that the Joint Applicants live up to their promises.

6. I note that the Joint Applicants do not appear to contest their error of applying the objection: "The Joint Applicants object to this request on grounds that it is overly broad, burdensome, and outside the scope of this intervener's limited intervention" as an "initial objection".
7. Nor do they appear to contest that some objections were not raised even on August 20, but rather only in response to my motion (e.g., those related to interrogatory 9), and thus, they cannot be a basis for the ruling on the my motion.

WHEREFORE, for the reasons set forth above, Jeremy Firestone, pro se, request the Hearing Examiner

1. Reconsider Order 8624
2. Order the Joint Applicants to answer fully each discovery request and produce the withheld documents.
3. Provide that Jeremy Firestone's follow-up discovery may be supplemented within seven (7) calendar days of receipt of compliant responses.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeremy Firestone". The signature is stylized with a large, looping "J" and a cursive "Firestone".

Jeremy Firestone
September 11, 2014

Exhibit 1

From: "todd.goodman@pepcoholdings.com"
<todd.goodman@pepcoholdings.com>
Date: Tuesday, September 9, 2014 at 8:48 AM
To: jeremy firestone <jf@udel.edu>
Cc: "McGonigle, Thomas P." <Thomas.McGonigle@dbr.com>
Subject: Re: discovery disputes

We were unaware of the order until yesterday when it was discussed during the conference call, Jeremy. We probably had the same look on our faces as you did.

Todd L. Goodman
Associate General Counsel
Pepco Holdings. Inc. Legal Services
500 North Wakefield Drive
Mailstop 92DC42
Newark, Delaware 19702

302-429-3786 - Phone
302-429-3801 - Fax
302-353-7979 - Business Cell
Email: todd.goodman@pepcoholdings.com

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2014, that I caused **INTERVENOR JEREMY FIRESTONE'S REPLY TO MOTION FOR RECONSIDERATION OF FIRST MOTION TO COMPEL DISCOVERY** to be served on all parties on the email service list by email attachment.

Respectfully submitted,



Jeremy Firestone
11 September 2014